REMARKS/ARGUMENTS

Claim Objections

The applicant acknowledges the Examiner's renumbering of claims 21, 22 to 22 and 23, respectively.

35 USC 102(e)

Claims 21 was rejected under 35 U.S.C. § 102(e) as being anticipated by Bergman (U.S. Patent Appl. No. 2002/017057). The applicant respectfully disagrees for the reasons discussed below.

"A claim is anticipated only if each and every element as set forth in the claim is found, enther expressly or inherently described, in a single prior art reference." Verdegual Bros. v. Union Oil Co of California, 814 F.2d 628, 631 (MPEP § 2131). As can be gleaned from the cited case law, the requirement is that each element must be either expressly or inherently described. In examining the portion of the cited reference that the examiner has referred the applicant to, there is no description of an actuating arm disposed within the neck of the device

Claim 21, however, has been amended to move prosecution forward. Based on the failure of Bergman to disclose all of the elements of the claim 1 as currently presented, the applicant submits that claims 21 and 22 are in condition for allowance.

35 USC 103(a)

Claims 1-5, 7-12 were rejected as being obvious over Bushberger (US5267579) in view of Murayama (US5343883), and Romanus (US5188133). The applicant respectfully disagrees. To move prosecution forward, claims 1, 11 and 12 have been amended.

Claim 6 was rejected as being obvious over Bushberger (US5267579) in view of Murayama (US5343883), and Romanus (US5188133), and further in view of Thackrey (US4555697). The applicant respectfully disagrees.

Claim 22 was rejected as being obvious over Bergman (2002/0170570) in view of Bushberger (US5267579). The applicant respectfully disagrees.

Despite applicant's disagreement, the applicant has amended independent claims 1 and 21 to move prosecution forward. All claims should now be in condition for allowance.

Request For Allowance

Claims 1-13 and 21-22 are pending in this application. The applicant requests allowance of all pending claims.

Respectfully submitted, RUTAN & TUCKER

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